IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UNITED STATES OF AMERICA | |) | |
|--------------------------|---|---|--|
| | Plaintiff, |) 8:07CR71) | |
| | vs. |) DETENTION ORDER | |
| NC | DE HERNANDEZ-ROMERO, | <u> </u> | |
| | Defendant. | ' | |
| A. | Order For Detention After waiving a detention hearing pursuant Act on March 8, 2007, the Court orders the atto 18 U.S.C. § 3142(e) and (i). | to 18 U.S.C. § 3142(f) of the Bail Reform bove-named defendant detained pursuant | |
| B. | The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. | | |
| C. | distribute more than 500 violation of 21 U.S.C. § years imprisonment and distribution of methamph U.S.C. § 841(a)(1) each years imprisonment. (b) The offense is a crime of (c) The offense involves a nation of the offense involves a lare (2) The weight of the evidence again (3) The history and characteristics of a General Factors: The defendant and (2) The weight of the evidence again and (3) The history and characteristics of a General Factors: The defendant and (3) | nd includes the following: e offense charged: to distribute and possess with intent to grams of methamphetamine (Count I) in 846 carries a minimum sentence of ten a maximum of life imprisonment; and the etamine (Counts II -VII) in violation of 21 carrying a maximum sentence of twenty violence. ercotic drug. rge amount of controlled substances, to wit: enst the defendant is high. of the defendant including: | |
| | may affect wheth X The defendant h X The defendant h X The defendant h X The defendant is The defendant of ties. Past conduct of the defendant h The defendant h The defendant h The defendant h | ner the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. does not have any significant community. the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at | |

DETENTION ORDER - Page 2

| (b) A | At the time of the current arrest, the defendant was on: Probation |
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| - - | Parole Release pending trial, sentence, appeal or completion of sentence. |
| (c) (| Other Factors: The defendant is an illegal alien and is subject to |
| _ | deportation. |
| _ | The defendant is a legal alien and will be subject to deportation if convicted. |
| _ | The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: |
| - | |
| | ture and seriousness of the danger posed by the defendant's are as follows: The nature of the charges in the Indictment. |
| X (5) Rebutta | able Presumptions |
| In determining that the defendant should be detained, the Court also relied | |
| | ollowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) ne Court finds the defendant has not rebutted: |
| | That no condition or combination of conditions will reasonably |
| ì í | assure the appearance of the defendant as required and the safety |
| | of any other person and the community because the Court finds that |
| tı | he crime involves: |
| - | (1) A crime of violence; or X (2) An offense for which the maximum penalty is life |
| - | imprisonment or death; or |
| _ | X (3) A controlled substance violation which has a maximum |
| | penalty of 10 years or more; or |
| _ | (4) A felony after the defendant had been convicted of two |
| | or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one |
| | of the crimes mentioned in (1) through (3) above which |
| | is less than five years old and which was committed |
| | while the defendant was on pretrial release. |
| | That no condition or combination of conditions will reasonably |
| | assure the appearance of the defendant as required and the safety |
| | of the community because the Court finds that there is probable |
| C | cause to believe: X (1) That the defendant has committed a controlled |
| - | X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of |
| | 10 years or more. |
| _ | (2) That the defendant has committed an offense under 18 |
| _ | U.S.C. § 924(c) (uses or carries a firearm during and in |
| | relation to any crime of violence, including a crime of |
| | violence, which provides for an enhanced punishment |
| | if committed by the use of a deadly or dangerous weapon or device). |

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

DETENTION ORDER - Page 3

- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 8, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge